

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:09-CR-41-BO

VICTOR OBRIAN CAMPBELL,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

)
)
)
)
)
)
)
)
)
)

ORDER AND NOTICE


This matter is before the Court on the government's motion to re-characterize petitioner's motions at DE 28 and DE 38 as a motion pursuant to 28 U.S.C. § 2255. Both of these motions seek to vacate, set aside, or correct petitioner's sentence and therefore should be re-characterized as a motion under § 2255.

Accordingly, the government's motion is GRANTED and NOTICE is hereby given to the petitioner, Victor Campbell, that the Court intends to construe his motion filed on May 30, 2012 [DE 28], and his motion filed on September 24, 2014 [DE 38] together as a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255. The Court GRANTS petitioner 30 (thirty) days from the filing of this notice to confirm or deny his intent to file a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255. If a response is not filed within this time, this Court will presume that petitioner is not seeking such relief and this action will be dismissed. Should the petitioner notify this Court of his intention to file a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255, the Clerk of Court is DIRECTED to provide petitioner with the appropriate forms on which to file such a motion.

The court further warns the petitioner of the effects of filing a motion pursuant to section 2255, and advises him as to the requirements of section 2255. *See Castro v. United States*, 540 U.S. 375, 377, 383 (2003); *see also United States v. Emmanuel*, 288 F.3d 644, 649 (4th Cir. 2002).

SO ORDERED,

this 9 day of October, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE